

## To the Honorable Council City of Norfolk, Virginia

January 12, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exception for an Entertainment Establishment with alcoholic beverages -

428 W. 24th Street and 430 W. 24th Street, Suite A - John Porter

Reviewed:

/CXW.Y1

Ward/Superward: 2/7

Ronald H. Williams, Jr., Deputy City Manager

Approved:

Aproud D. Comp dity Managar

**Item Number:** 

R-4

Marcus D. Jones, dity Manager

- I. <u>Staff Recommendation:</u> Approval.
- II. <u>Commission Action:</u> By a vote of 6 to 0, the Planning Commission recommends Approval.
- III. <u>Request:</u> Special Exception to operate for an Entertainment Establishment with alcoholic beverages.
- IV. Applicant: John Porter
- V. Description:
  - This request proposes a new entertainment establishment with alcoholic beverages.
  - The proposed location was previously occupied entirely by an automobile repair facility.
    - The proposal would permit 1,987 square feet of the 5,180 square-foot building to be utilized for the proposed entertainment establishment.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

## Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Letter of support
- Proponents and Opponents
- Ordinance

# **Proponents and Opponents**

## **Proponents**

John Porter – Applicant 439 W. 30<sup>th</sup> Street Norfolk, VA 23508

# **Opponents**

None



# Planning Commission Public Hearing: <u>December 10, 2015</u>

Executive Secretary: George M. Homewood, AICP, CFM,

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	Item No. 12	
Address	428 W. 24th Street and	430 W. 24 <sup>th</sup> Street, Suite A
Applicant	John Porter	
Request	Special Exception	Entertainment Establishment with alcoholic beverages
<b>Property Owner</b>	Michael, LLC & Capital Finance, LLC (Shahpor "Ben" Mahgerefteh)	
	Site/Building Area	14,865 sq. ft./1,987 sq. ft.
	Zoning	I-2 (Light Industrial)
Site Characteristics	Future Land Use Map	Industrial
	Character District	Traditional
	Neighborhood	Park Place
	North	I-2: vacant industrial building
Surrounding Area	East	I-2: communication tower
Surrounding Area	South	I-2: vacant industrial buildings
	West	Conditional C-2 (Corridor Commercial): Toast restaurant and apartment above



### A. Summary of Request

- This request proposes a new entertainment establishment with alcoholic beverages.
- The proposed location was previously occupied entirely by an automobile repair facility.
  - The proposal would permit 1,987 square feet of the 5,180 square-foot building to be utilized for the proposed entertainment establishment.

#### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Industrial.

## C. Zoning Analysis

#### i. General

• The use is permitted in the I-2 district by special exception.

	Proposed
Hours of Operation, for the Sale of Alcohol and for Entertainment	9:00 a.m. until 2:00 a.m, seven days a week
Entertainment Options	5 member live band, karaoke, comedian, poetry reading
Seating	<ul><li>120 seats indoors</li><li>0 seats outdoors</li><li>130 total capacity</li></ul>

## Special exception history:

City Council Approval	Applicant	Changes
May 2013	Ben Mahgerefteh	Special Exception for automobile repair
Pending	Entertainment establishment by John Porter	New entertainment establishment

#### ii. Parking

- Off-street parking is shared among the two uses in the single structure:
  - A 1,987 square foot entertainment establishment (11 spaces required)
  - An automobile repair facility with one repair bay (3 spaces required)
- The current parking regulations require 14 parking spaces, given the square footage of the establishment, and the number of repair bays for the automobile repair facility.
  - The site accommodates 20 parking spaces.
  - The automobile repair facility has limited hours as permitted within the approved special exception.

- Additionally, the three spaces assigned to the automobile repair facility will be available in the evenings at times when this proposed entertainment establishment intends to hold events.
- The majority of businesses in the vicinity are also closed in the evenings, and it is unlikely that the proposed entertainment establishment will experience peak hours for use of the available on-street parking.

#### iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

## D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 530 additional vehicle trips per day.
- Based upon ITE data, the prior use of the entire building as an auto repair facility would be expected to generate 82 weekday trips while the combination of the proposed new restaurant and reduced auto repair operation would be expected to generate together 612 trips on weekdays.
  - Colonial Avenue near the site is not identified as a severely congested corridor in the current update to regional Hampton Roads Congestion Management analysis.
  - The site is near transit service with Hampton Roads Transit bus route 11 (Colonial) operating along Colonial Avenue near the site.

## E. Impact on the Environment

Site improvements include new sidewalk connections along the West 24<sup>th</sup> Street frontage, tying-in with the existing sidewalks along West 24<sup>th</sup> Street, as well as improved landscaping to shield the parking from the right-of-way.

## F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

#### G. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### H. Civic League

- Notice was sent to the Park Place Civic League on October 27.
- The applicant presented the proposal to the Park Place Civic League on November 2.
- A Letter of Support was received from the Park Place Civic League on November 9.

## I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 20.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3

#### J. Recommendation

Staff recommends **approval** of the special exception request subject to all of the following conditions being adopted, which should address the potential impacts on the surrounding area:

#### **Entertainment Establishment Conditions**

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 9:00 a.m. until 2:00 a.m. the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The total occupant capacity, including employees, shall not exceed 135 people, there is no minimum indoor seating, and no outdoor seating is permitted. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) The site shall be improved in accordance with the conceptual site plan attached hereto and marked as "Exhibit C," to include all landscape improvements and the sidewalk installation where shown on the attached site plan.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall be limited to live bands having no more than five members, karaoke, comedian, poetry reading. No other form of entertainment is permitted.
- (f) There shall be no dancing and no dance floor provided.
- (g) The layout of the establishment shall adhere to the specifications of the floor plans

attached hereto and marked as "Exhibit B."

- (h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements,

limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;

- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 101 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- (x) No business license shall be issued until condition (c) has all been implemented fully on the site.

#### Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
1000' radii map of surrounding residential
Application
Conceptual site plan
Notice to the Park Place Civic League
Letter of support — Park Place Civic League

## **Proponents and Opponents**

## **Proponents**

John Porter – Applicant 439 W. 30<sup>th</sup> Street Norfolk, VA 23508

Robyn Thomas – Representative 913 W. 21<sup>st</sup> Street Norfolk, VA 23517

## **Opponents**

None

12/10/2015 lds

Office of the City Attorney

By Leman M. Nowark M.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT, NOT YET NAMED, ON PROPERTY LOCATED AT 428 and 430 WEST 24TH STREET, SUITE A.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Corner Spot, Inc. authorizing the operation of an entertainment establishment, yet to be named, on property located at 428 and 430 West 24th Street, suite A. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 150 feet, more or less, along the northern line of West 24th Street beginning 100 feet, more or less, from the eastern line of Colonial Avenue and extending eastwardly; premises number 428 and 430 West 24th Street, suite A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- The hours of operation for the establishment, for sale of alcoholic beverages, and entertainment shall be limited to 9:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall permitted.
- The total occupant capacity, including employees, (b) shall not exceed 135 people, there is no minimum indoor seating, and no outdoor seating is permitted. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (c) The site shall be improved and landscaping shall be installed in accordance with the conceptual site plan attached hereto and marked as "Exhibit C," including the sidewalk installation where shown on the plan.
- This special exception shall terminate in the event (d) of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.
- (f) There shall be no dancing and no dance floor provided.
- (g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

- (k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (1) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- The establishment shall maintain a designated (m) driver program which shall provide, at minimum, that designated drivers may be served nonno charge. The alcoholic beverages at describe the program establishment shall writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- The business authorized by this special exception (0) be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- An ABC manager, employed and compensated by the (r)applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol or consumed, a responsible served not supervisor, employed and compensated by the applicant, shall perform this function.
- (s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - (1) This special exception;

- (2) Any ABC license(s);
- (3) Any occupancy permit(s);
- (4) Certifications of all persons who work on the premises as a security guard;
- (5) All fire code certifications, including alarm and sprinkler inspection records;
- (6) Any health department permit(s);
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 101 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- (x) No business license shall be issued until condition(c) has all been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or

other types of pollution which cannot be mitigated;

- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

#### ATTACHMENTS:

Exhibit A (14 pages) Exhibit B (11 pages) Exhibit C (1 page)



# EXHIBIT "A"

**Description of Operations** 

SAUT INC.

Entertainment Establishment  (Please Print)
Date 10 23 2015
Trade name of business
Address of business 430 W. 24TH, SUITE A
Name(s) of business owner(s)* JOHN PORTIER, DAVID HAUSMANN DEA CORNER SAOT
Name(s) of property owner(s)* MICHAEL, LLC - SHAPPOR MAHGHEREFTICH
Name(s) of business manager(s)/operator(s) John Porture, David Hausmann
Daytime telephone number (757) 450-4303
*If business or property owner is a partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.
1. Proposed Hours of Operation:
Facility Weekday From 9Am To 24m Weekday From 9Am To 24m
Friday From 9AM To 2AM Friday From 9AM To 2AM
Saturday From 9Am To 2Am Saturday From 9Am To 2Am
Sunday From 9Am To 2Am Sunday From 9Am To 2Am
2. Type of ABC license applied for (check all applicable boxes):  ☑ On-Premises ☐ Off-Premises (second application required)
3. Type of alcoholic beverage applied for:  Beer   Wine   Mixed Beverage

# DEPARTMENT OF CITY PLANNING

## Exhibit A - Page 2 **Entertainment Establishment**

<ul> <li>Will video games, pool tables, game boards or other types of games be properties.</li> <li>Yes (If more than 4, additional application required)</li> </ul> X No		
	4a If yes, please describe type and number of each game to be provided:	
5.	Will patrons ever be charged to enter the establishment?	
	5a. If yes, why: CHARLIE FOR BAND	
	5b. Which days of the week will there be a cover charge (circle all applicable days):  Monday Tuesday Wednesday Thursday Friday	
6.	Saturday Sunday  Will the facility or a portion of the facility be available for private parties?  X Yes □ No	
	6a. If yes, explain: BIRTADAY PAKTIES, SPECIAL EVENTS	
7.	Will a third party (promoter) be permitted to lease, let or use the establishment?  ☐ Yes   No	
	7a. If yes, explain:	
	Will there ever be a minimum age limit? □ Yes 📜 No	

# DEPARTMENT OF CITY PLANNING

## Exhibit A – Page 3 Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

HANDSOME BECUIT, FIED GUDE, TOAST

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant



 Complete this worksheet based for each floor plan submitted with application. Floor plan(s) must be prepared by a registered design professional and include: Tables/seats Restroom facilities o Bar Ingress and egress Standing room o Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees) 1. Total capacity NORTH SEATING SOUTH SEATING a. Indoor Number of seats (not including bar seats) Number of bar seats Standing room BAND b. Outdoor Number of seats c. Number of employees **Total Occupancy** (Indoor/Outdoor seats, standing room and employees) = / 21 2. Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading. 3. Will a dance floor be provided? MNO ☐ Yes If yes, 3a. Square footage of establishment \_\_\_\_\_ Square footage of dance floor \_\_\_\_\_ If a disc jockey is proposed, a dance floor must be provided. If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

## DEPARTMENT OF CITY PLANNING

:	Complete this worksheet based for each floor plan submitted with application.  Floor plan(s) must be prepared by a registered design professional and include:  Tables/seats Restroom facilities Bar Ingress and egress Standing room Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees)
1.	Total capacity  NORTH SEATING  a. Indoor South SEATING  Number of seats (not including bar seats)  Number of bar seats  Standing room  BAND  b. Outdoor  Number of seats  C. Number of employees  Standing room  BAND  C. Number of employees
To (In	tal Occupancy door/Outdoor seats, standing room and employees) = 97
2.	Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.
3.	Will a dance floor be provided?  ☐ Yes ☑ No  3a. If yes,  Square footage of establishment  Square footage of dance floor
	<ul> <li>If a disc jockey is proposed, a dance floor must be provided.</li> <li>If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.</li> </ul>

DEPARTMENT OF CITY PLANNING



•	Complete this worksheet based for each floor plan submitted with application.
•	Floor plan(s) must be prepared by a registered design professional and include:
	o Tables/seats
	Restroom facilities
	o Bar
	o Ingress and egress
	District Descriptions of and a
	o Outdoor seating
	<ul> <li>Total maximum capacity (including employees)</li> </ul>
1.	Total capacity
•	NORTH SEATING
	a. Indoor SOUTH SEATING 24
	Number of seats (not including bar seats)
	Number of bar seats
	5 Table 1 Tabl
	Standing room  RAND  O
	b. Outdoor
	Number of seats
	a Number of ampleyees
	c. Number of employees
To (In	tal Occupancy door/Outdoor seats, standing room and employees) =
2	Entertainment
	List ANY type of entertainment proposed other than a 3 member live band, karaoke,
	comedian, or poetry reading.
	comedian, or poetly reading.
2	Will a dance floor be provided?
ა.	
	□ Yes ☑No
	3a. If yes,
	Square footage of establishment
	Square footage of dance floor
	If a disc jockey is proposed, a dance floor must be provided.
	If the dance floor is more than 10% of the square footage of the establishment, a
	D II II -
	Dance Hall permit is required.
	Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

Dance Hall permit is required.



:	<ul> <li>Complete this worksheet based for each floor plan submitted</li> <li>Floor plan(s) must be prepared by a registered design profestorable.</li> <li>Tables/seats</li> <li>Restroom facilities</li> <li>Bar</li> <li>Ingress and egress</li> <li>Standing room</li> <li>Disc Jockey/Band/Entertainment area)</li> <li>Outdoor seating</li> <li>Total maximum capacity (including employees)</li> </ul>	
1.	a. Indoor South SEATING  Number of seats (not including bar seats)  Number of bar seats  Standing room  BAND  b. Outdoor  Number of seats	5 8 2 - 0 0 0
(In	Fotal Occupancy Indoor/Outdoor seats, standing room and employees) =	<u>25</u>
2.	Entertainment List ANY type of entertainment proposed other than a 3 memle comedian, or poetry reading.	oer live band, karaoke,
3.	Will a dance floor be provided?  ☐ Yes ☑ No  3a. If yes,  Square footage of establishment  Square footage of dance floor  If a disc jockey is proposed, a dance floor must be provided.	1.
	<ul> <li>If the dance floor is more than 10% of the square footage of</li> </ul>	i the establishment, a

## DEPARTMENT OF CITY PLANNING



:	Complete this worksheet based for each floor plan submitted with application.  Floor plan(s) must be prepared by a registered design professional and include:
1.	Total capacity  North Seating  a. Indoor South Seating  Number of seats (not including bar seats)  Number of bar seats  Standing room  RAND  b. Outdoor  Number of seats  C. Number of employees
To (In	tal Occupancy door/Outdoor seats, standing room and employees) = 95
2.	Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.
3.	Will a dance floor be provided?  ☐ Yes ☑ No  3a. If yes,  Square footage of establishment  Square footage of dance floor  • If a disc jockey is proposed, a dance floor must be provided. • If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

Dance Hall permit is required.



•		e this worksheet based for each floor plan submitted with application.				
•		Floor plan(s) must be prepared by a registered design professional and include:				
	0	Tables/seats Restroom facilities				
	0	Bar				
	0	Ingress and egress				
	0	Standing room				
	0	Disc Jockey/Band/Entertainment area)				
	0	Outdoor seating				
	0	Total maximum capacity (including employees)				
1.	Total cap	acity NORTH SEATING				
	100 · 000 • 000 • 000					
	a. Indoo					
		er of seats (not-including bar seats)				
	The state of the s	The state of the s				
	BAND					
	b. Outdo	•				
		er of seats				
	c. Numb	er of employees				
To (In	tal Occupa door/Outd	ancy loor seats, standing room and employees) = <u>37</u>				
2	Entertainn	nent				
۷.	List ANY f	ype of entertainment proposed other than a 3 member live band, karaoke,				
		or poetry reading.				
3.	Will a dand	ce floor be provided?				
	☐ Yes	I No				
		If yes,				
		Square footage of establishmentSquare footage of dance floor				
	,	Square rootage of darioe froof				
	<ul><li>If a disc</li></ul>	c jockey is proposed, a dance floor must be provided.				
	• If the da	ance floor is more than 10% of the square footage of the establishment, a				

DEPARTMENT OF CITY PLANNING

Dance Hall permit is required.

	1
1	1)
C	~

•	Complete this worksheet based for each floor plan submitted with application.
•	Floor plan(s) must be prepared by a registered design professional and include:
	o Tables/seats
	Restroom facilities
	o Bar
	<ul> <li>Ingress and egress</li> </ul>
	o Standing room .
	<ul> <li>Disc Jockey/Band/Entertainment area)</li> </ul>
	<ul> <li>Outdoor seating</li> </ul>
	<ul> <li>Total maximum capacity (including employees)</li> </ul>
1.	Total capacity
	NORTH STANDING 100
	a. Indoor South STANDING 25
	Number of seats (not including bar seats)
	Number of bar seats
	Standing room
	BAND
	b. Outdoor
	Number of seats
	c. Number of employees
	c. Number of employees
Tot	tal Occupancy
/Inc	door/Outdoor seats, standing room and employees) = 130
(me	doonoutdoor seats, standing room and employees) =
0	Catadalamant
	Entertainment
	List ANY type of entertainment proposed other than a 3 member live band, karaoke,
	comedian, or poetry reading.
	A ÉU I C I I I I I I I I I I I I I I I
3.	Will a dance floor be provided?
	☐ Yes ☑ No
	3a. If yes,
	Square footage of establishment
	Square footage of dance floor
•	If a disc jockey is proposed, a dance floor must be provided.
•	If the dance floor is more than 10% of the square footage of the establishment, a

DEPARTMENT OF CITY PLANNING

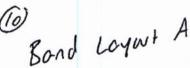


٠	Complete this worksheet based for each floor plan submitted with application. Floor plan(s) must be prepared by a registered design professional and include:
1.	
(In	tal Occupancy adoor/Outdoor seats, standing room and employees) =/30 Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.
3.	Will a dance floor be provided?  ☐ Yes ☑ No  3a. If yes,  Square footage of establishment  Square footage of dance floor
,	<ul> <li>If a disc jockey is proposed, a dance floor must be provided.</li> <li>If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.</li> </ul>

DEPARTMENT OF CITY PLANNING

<ul> <li>Complete this worksheet based for each floor plan submitted with application.</li> <li>Floor plan(s) must be prepared by a registered design professional and include:         <ul> <li>Tables/seats</li> </ul> </li> </ul>
Restroom facilities
o Bar
o Ingress and egress
Standing room
<ul><li>Disc Jockey/Band/Entertainment area)</li><li>Outdoor seating</li></ul>
<ul> <li>Outdoor seating</li> <li>Total maximum capacity (including employees)</li> </ul>
1. Total capacity
1. Total capacity NORTH STANDING
a. Indoor SOUTH STANDING 49
Number of seats (not including bar seats)
Number of bar seats
Standing room  BAND
b. Outdoor
Number of seats
c. Number of employees
c. Number of employees
Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 54
2. Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.
3. Will a dance floor be provided?  ☐ Yes ☐ No
3a. If yes, Square footage of establishment Square footage of dance floor
<ul> <li>If a disc jockey is proposed, a dance floor must be provided.</li> <li>If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.</li> </ul>

DEPARTMENT OF CITY PLANNING



- Complete this worksheet based for each floor plan submitted with application. Floor plan(s) must be prepared by a registered design professional and include: Tables/seats Restroom facilities Bar Ingress and egress Standing room Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees) Total capacity NORTH STANDING SOUTH STANDING a. Indoor Number of seats (not including bar seats) Number of bar seats Standing room RAND b. Outdoor Number of seats 5 c. Number of employees Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 1302. Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading. MEMBER BAND 3. Will a dance floor be provided? ☐ Yes ☑ No
  - If a disc jockey is proposed, a dance floor must be provided.

Square footage of establishment \_\_\_\_\_\_Square footage of dance floor \_\_\_\_\_

If yes,

3a.

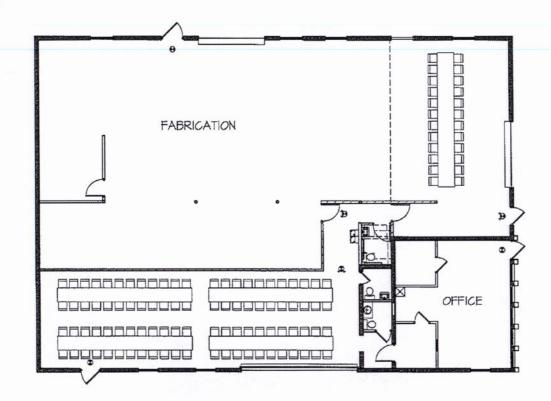
 If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

## DEPARTMENT OF CITY PLANNING



 Complete this worksheet based for each floor plan submitted with application. Floor plan(s) must be prepared by a registered design professional and include: Tables/seats Restroom facilities o Bar o Ingress and egress Standing room Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees) 1. Total capacity NORTH STANDING SOUTH STANDING a. Indoor -Number of seats (not including bar seats) Number of bar seats -Standing room-RAND b. Outdoor Number of seats c. Number of employees Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 592. Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading. 5 member BAND 3. Will a dance floor be provided? □ Yes O No 3a. If yes, Square footage of establishment Square footage of dance floor If a disc jockey is proposed, a dance floor must be provided. If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

#### DEPARTMENT OF CITY PLANNING



430 W. 24TH 5CALE: 1/16" = 1'-0"

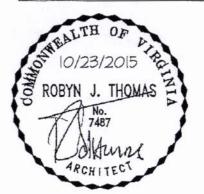
OCCUPANCY CALCUL	ATIONS
SOUTH SEATING	24
NORTH SEATING	92
BAND	0
STAFF	5
TOTAL	121

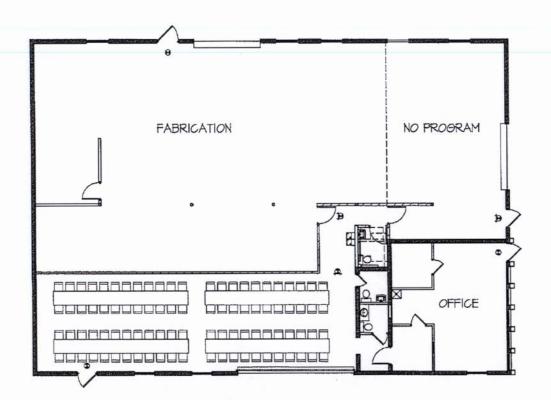
#### PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009
ANSI IIT.I
CONSTRUCTION TYPE: 36
USE GROUP(S): FI, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2
IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
I STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503





	430	M.	2	4TH	
( )	SCALE:	1/16"	=	1'-0"	

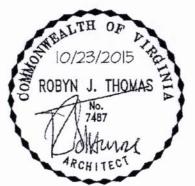
OCCUPANCY CALCUL	ATIONS
SOUTH SEATING	0
NORTH SEATING	92
BAND	0
STAFF	5
TOTAL	97

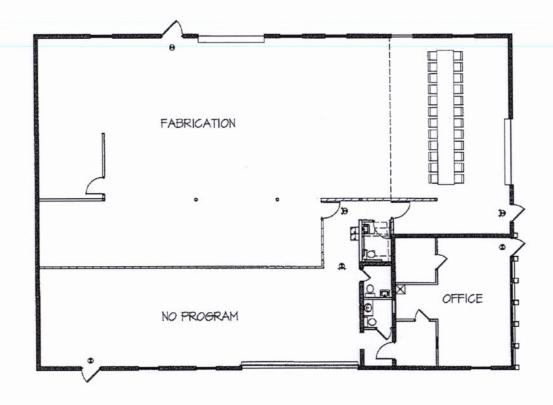
#### PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009
ANSI 117.1
CONSTRUCTION TYPE: 3b
USE GROUP(S): FI, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2
IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
I STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503





3	430			
3	SCALE:	1/16"	=	1'-0"

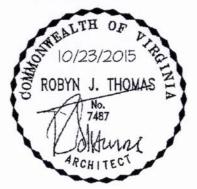
OCCUPANCY CALCUL	ATIONS
SOUTH SEATING	24
NORTH SEATING	0
BAND	0
STAFF	5
TOTAL	29

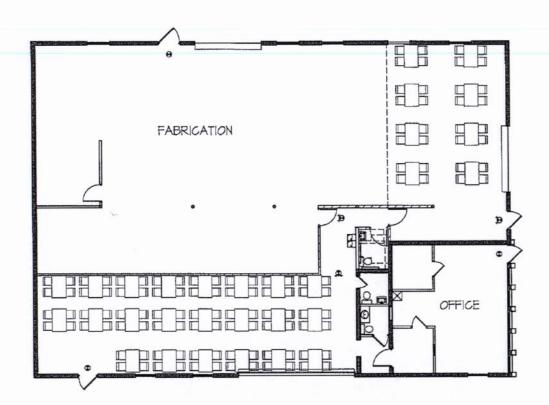
## PARKING CALCULATIONS

OFFICE(1/3009F): 2 SPACE EVENT SPACE(1/175 SF): II SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009
ANSI 117.1
CONSTRUCTION TYPE: 3b
USE GROUP(S): FI, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2
IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
I STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503





	430	M.	2	4TH
(4)	SCALE:	1/16"	=	1'-0"

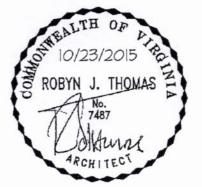
OCCUPANCY CALCUL	ATIONS
SOUTH SEATING	32
NORTH SEATING	88
BAND	0
STAFF	5
TOTAL	125

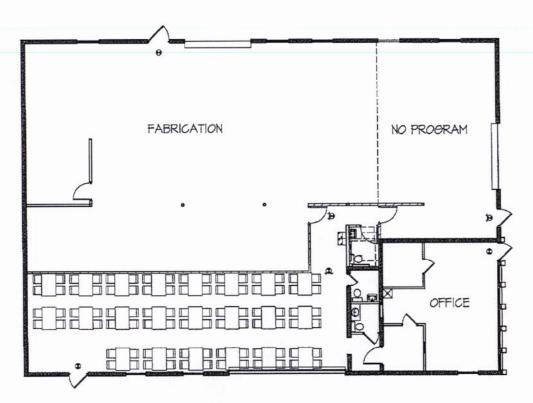
## PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009
ANSI IIT.I
CONSTRUCTION TYPE: 3b
USE GROUP(S): FI, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2
IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
I STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503





1	430	M.	2	4TH	
)	SCALE:	1/16"	=	1'-0"	

OCCUPANCY CALCUL	ATIONS
SOUTH SEATING	0

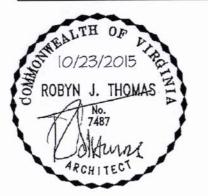
NORTH SEATING 88
BAND 0
STAFF 5
TOTAL 93

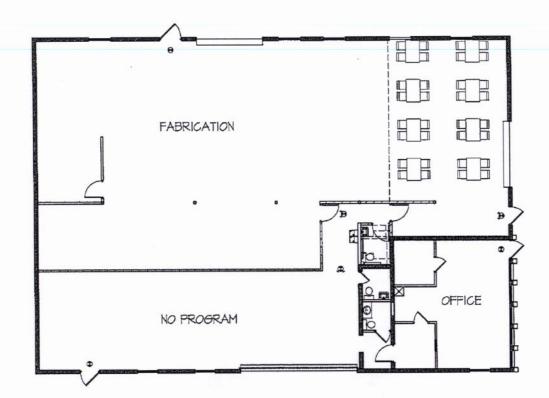
#### PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

BASED ON 2012 VUSBC, 2012 IBC, 2009
ANSI IIT.I
CONSTRUCTION TYPE: 3b
USE GROUP(S): FI, A2, A3, B
NON SEPARATED MIXED USE, GROUP A2
IS
MOST RESTRICTIVE
ACTUAL HEIGHT AND AREA
I STORIES, 4,925 SF
ALLOWABLE HEIGHTS AND AREAS
2 STORIES, 9,500 PER IBC SECTION 503





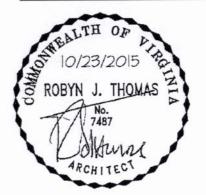
	430	27 107.		5 77 35 10 8
(0)	SCALE:	1/16"	=	1'-0"

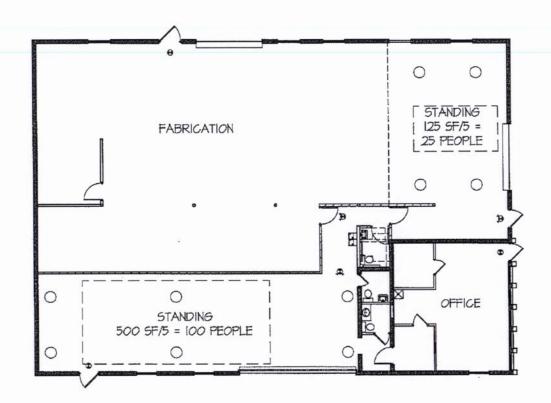
OCCUPANCY CALCUL	ATIONS
SOUTH SEATING	32
NORTH SEATING	0
BAND	0
STAFF	5
TOTAL	37

#### PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE





7 430 W. 24TH 5CALE: 1/16" = 1'-0"

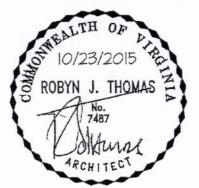
#### OCCUPANCY CALCULATIONS

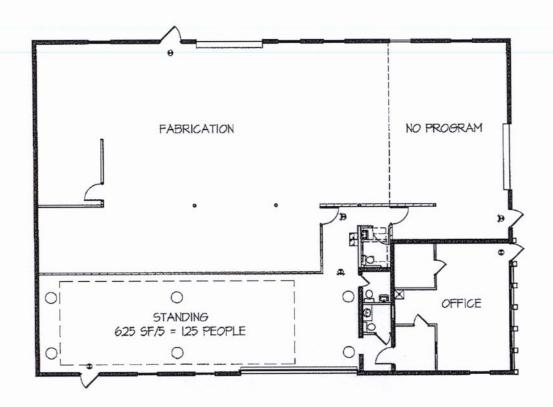
SOUTH STANDING 25 NORTH STANDING 100 BAND 0 STAFF 5 TOTAL 130

#### PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE





	430	M.	2	4TH
(0)	SCALE:	1/16"	=	['-O"

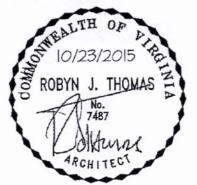
### OCCUPANCY CALCULATIONS

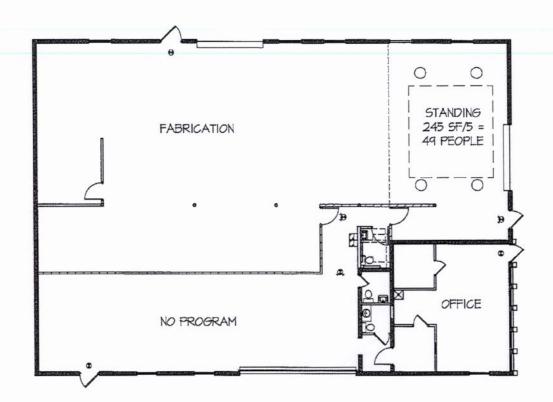
SOUTH STANDING	0
NORTH STANDING	125
BAND	0
STAFF	5
TOTAL	130

#### PARKING CALCULATIONS

OFFICE(1/300SF): 2 SPACE EVENT SPACE(1/IT5 SF): II SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: I9 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE





	430	M.	24TH
( 4 )	SCALE:	1/16"	=  1-0"

OCCUPANCY CALCUL	ATION
SOUTH STANDING	49
NORTH STANDING	0
BAND	0
STAFF	5

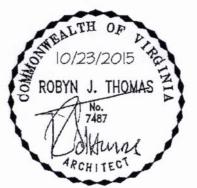
TOTAL

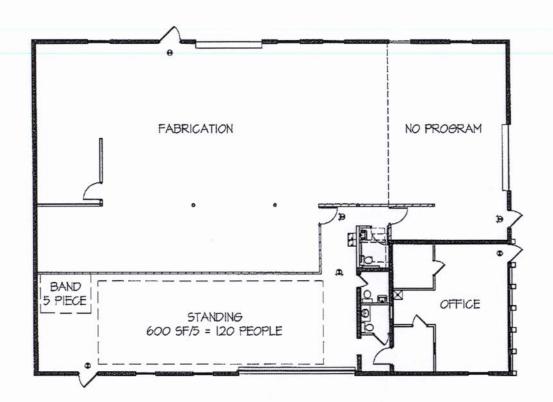
#### PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 5F): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

54





10 430 W. 24TH 5CALE: 1/16" = 1'-0"

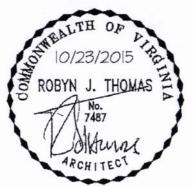
## OCCUPANCY CALCULATIONS

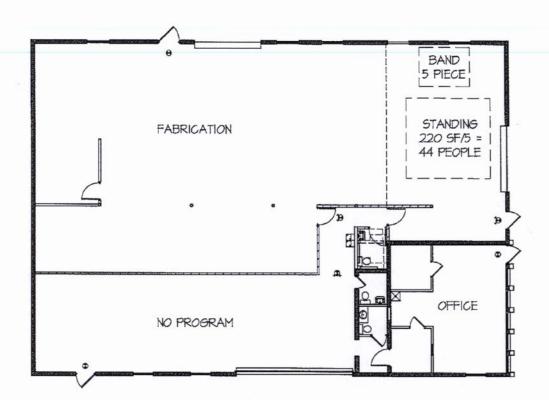
SOUTH STANDING O NORTH STANDING 120 BAND 5 STAFF 5 TOTAL 130

#### PARKING CALCULATIONS

OFFICE(1/3005F): 2 SPACE EVENT SPACE(1/175 SF): 11 SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: 19 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE





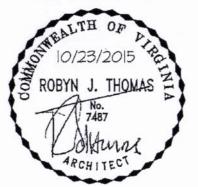
430 M. 24TH

SOUTH STANDING 44
NORTH STANDING 0
BAND 5
STAFF 5
TOTAL 54

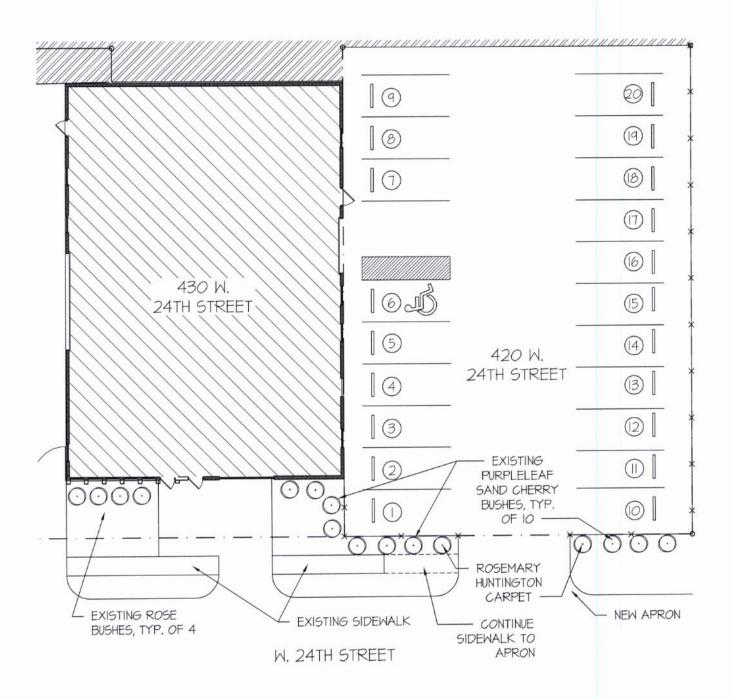
#### PARKING CALCULATIONS

OFFICE(I/3005F): 2 SPACE EVENT SPACE(I/IT5 SF): II SPACES FABRICATION(3/BAY): 6 SPACES TOTAL REQUIRED: I9 SPACES ACTUAL: 20 SPACES

#### CODE COMPLIANCE

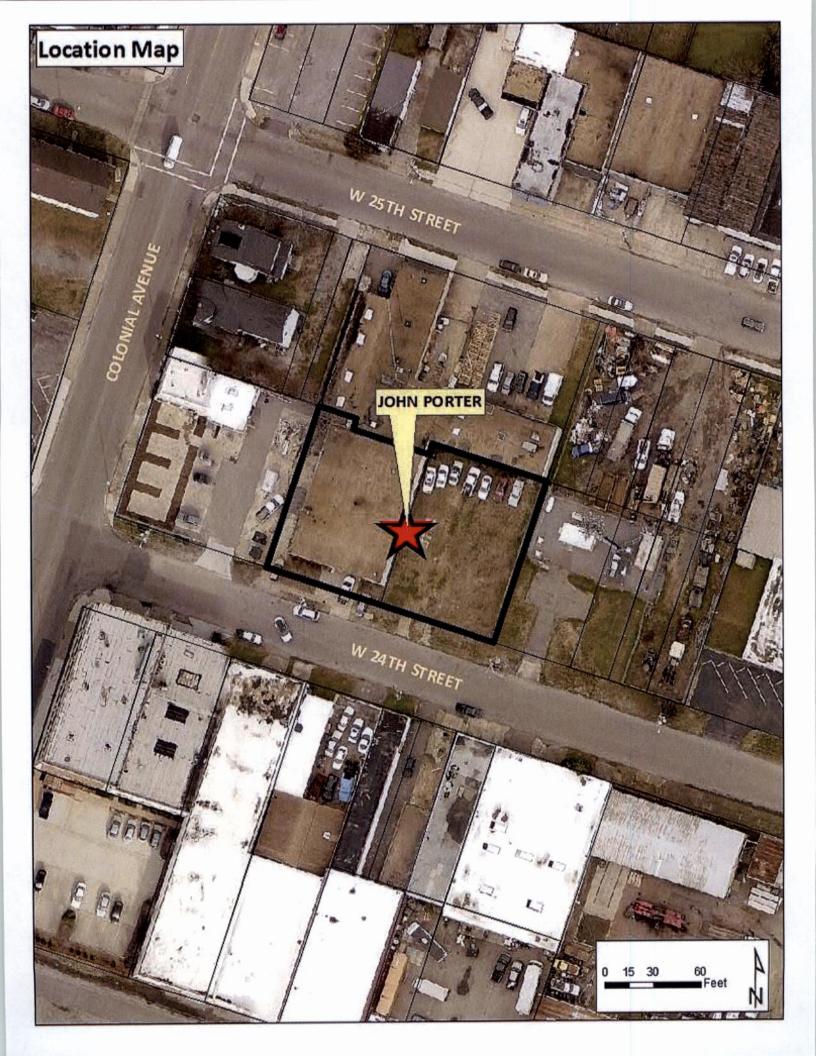


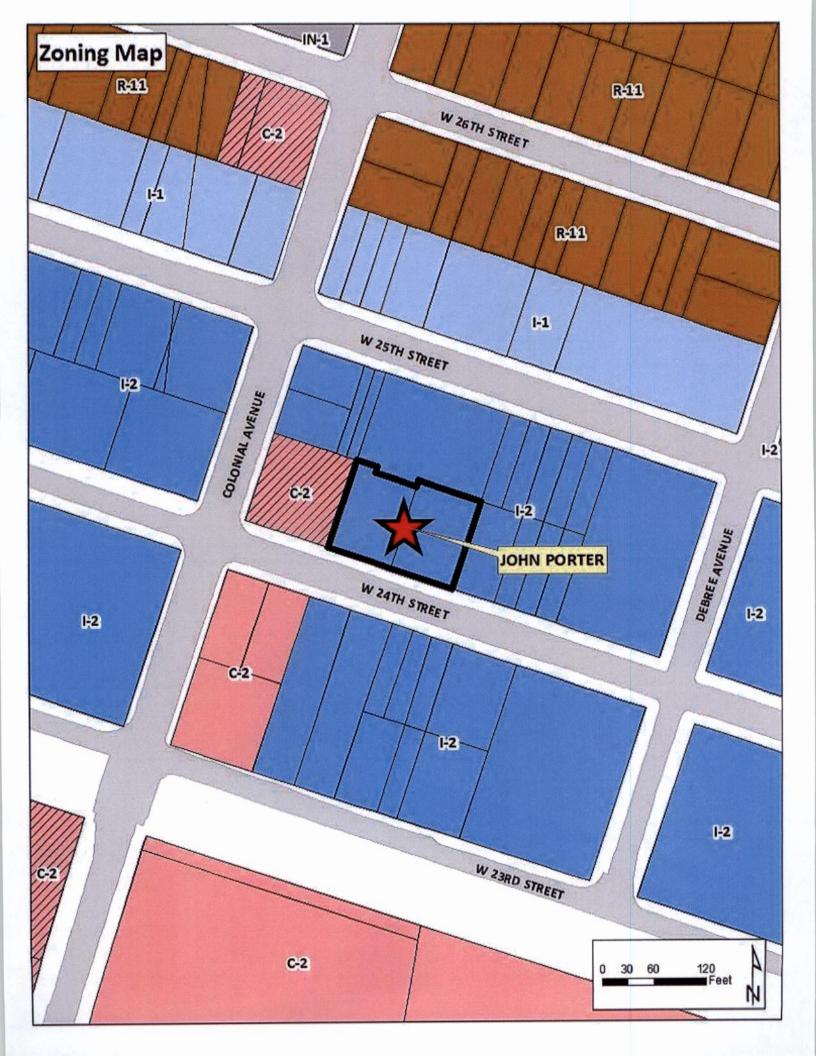
## **Exhibit C**

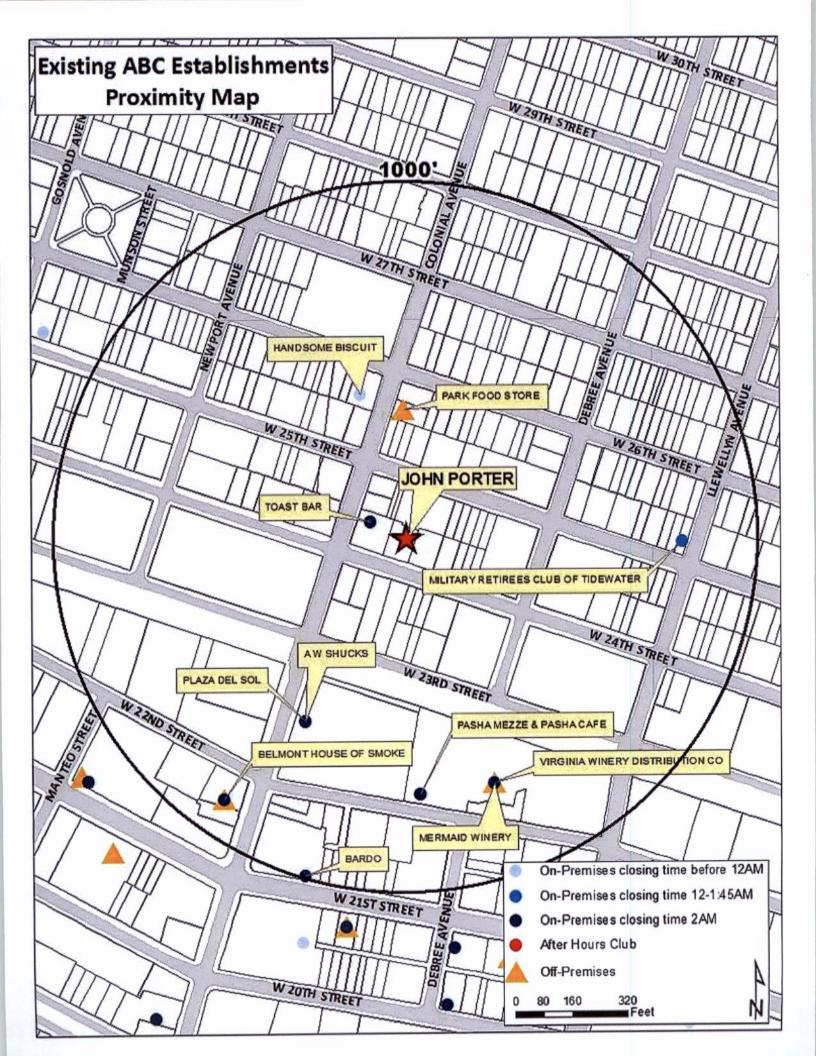


SITE PLAN

SCALE: I"= 20'-0"









# APPLICATION ADULT USE SPECIAL EXCEPTION ENTERTAINMENT ESTABLISHMENT (Please Print)

(Please Print)
Date 10 23 7015
DESCRIPTION OF PROPERTY
Address 4430 W 24TH ST., Suite A
Existing Use of Property Auto REPAIR
Proposed UseRESTAWEANT
Current Building Square Footage 5, 180
Proposed Building Square Footage 1,987 st. (3,193 REMAINS AUTO REPAIR)
Trade Name of Business (If applicable)
APPLICANT (If applicant is a LLC or a Corp./lnc., include name of official representative and/or all partners)
1. Name of applicant: (Last) PORTER (First) JOHN (MI) L
Mailing address of applicant (Street/P.O. Box): 430 W 24 <sup>TH</sup> Street
(City) NORFOLK (State) VA (Zip Code) 23517
Daytime telephone number of applicant (757) 450-4303 Fax ( )
E-mail address of applicant: ilporter@big-thyme.com

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 Application Entertainment Establishment Page 2

		a LLC or a Corp./Inc., in	clude name of official repr	esentative and/or	all partners)
	2. Name o	of applicant: (Last)	(First) _		(MI)
	Mailing add	dress of applicant (Street	t/P.O. Box):		
	(City)		(State)	(Zip Code)	
	Daytime tel	lephone number of appli	cant ( )	Fax ( )	
	E-mail add	ress of applicant:	Jan 1 1 1 1 1 1 1		
(11	PROPERT f property ov		Inc., include name of offici	al representative	and/or all partners)
	3. Name of	property owner: (Last)_	MAHGEREFTEH(First	1 SHAHPOR	
	Mailing add	ress of property owner (	Street/P.O. box): 4125	PORTSMOU	TH BLUD
	\		ate) <u>VA</u> (Z		
0	Daytime tele  (Mich  (Capita	ephone number of owner noel, LLC - owns l no   Finance, Inc own GUE INFORMATION	r (757) 6/5-8383 email: building parcel) Z ns parking parcel) S	ben prestigea.  both parcels (  Shahpor M	b@gmoil.com controlled by labgerefteh
		64 ATM	KRISTON		
	Date(s) con	tacted: TBD			
	Ward/Super	Ward information: $V$	VARD 2/Supere	WARD /	

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 Application Entertainment Establishment Page 3

## REQUIRED ATTACHMENTS

CERTIFICAT				
	bmit this complete applic			ion contained
herein is tru	e and accurate to the best			,
Print name:_	(Property Owner or Authorize	Sign: SHAHPOR d Agent of Signature	MAKEREFTT	10 126-15 (Date)
Print name:_	JOHN PORTER (Applicant)	Sign: (Date)	16.2	312015
ONLY NEEDED IF	APPLICABLE:			
Print name:_	(Authorized Agent Signature)	_Sign:	(Date)	

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

#### Simons, Matthew

From:

Straley, Matthew

Sent:

Tuesday, October 27, 2015 3:35 PM

To:

'fjkriston@gmail.com'

Cc:

Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Simons, Matthew

Subject:

new Planning Commission application - 428 W 24th Street and 430 W 24th Street, Suite

Α

Attachments:

John Porter.pdf

Mr. Kriston,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 428 W. 24<sup>th</sup> Street and 430 W. 24<sup>th</sup> Street, Suite A.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

#### **Matthew Straley**

GIS Technician II

Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

From: Frank Kriston [mailto:fjkriston@gmail.com]
Sent: Monday, November 09, 2015 6:56 AM

To: Straley, Matthew

Subject: Re: new Planning Commission application - 428 W 24th Street and 430 W 24th Street, Suite A

Mr. Straley:

Mr. John Porter presented his plans for 428 W. 24<sup>th</sup> Street and 430 W. 24<sup>th</sup> Street, Suite A to the Civic League on November 2.

The Park Place Civic League would like to express its support for John Porter's proposals, as it is in line with our Visioning and Engagement Plan.

If you require additional information, please do not hesitate to contact me.

Frank Kriston, President Park Place Civic League 757-354-1669